Single Bench (3)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 470 Of 2005.

PETITIONER :- Fagni Bai, wife of Chatur Dhobi, aged about 62 years, resident of H.No. 201/1 Chhuna Bhatti, Raman Mandir ward, Raipur (Chhattisgarh).

V E R S U S

RESPONDENTS :-

1. Sukhwantin Bai, widow of Arjun Gond, Resident of H.No. 201/1,Chhuna Bhatti, Raman Mandir Ward, Raipur, District Raipur (Chhattisgarh),
2. Chatur Dhobi, son of not known, resident of H.No. 202/1, Chhuna Bhatti, Raman Mandir Ward, Raipur (Chhattisgarh),
3. Rent Controlling Authority, Raipur, District Raipur (Chhattisgarh),
4. Fourteenth Additional District Judge, Fast Track Court, Raipur, District Raipur (Chhattisgarh).

P.R. No. 475/05 Presented by Shri Ghiyasuddin Siddiqui dated 05.12.05

PETITION UNDER ARTICLE 226 & 227 OF CONSTITUTION OF INDIA

DETAILS OF PETITION

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.470/ **सन्** 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	14.2.2005 On a mention being made, the matter is taken up for hearing. Heard Shri H.B. Agrawal, Senior Advocate with Kum. Shipra Biswas, Advocate for the petitioner. The petitioner has preferred this writ petition under Articles 226 & 227 of the Constitution of India, being aggrieved by the order dated 9.12.2004 passed by the 14th Additional District Judge, Fast Track Court, Raipur, whereby the learned Additional District Judge dismissed the miscellaneous appeal filed by the petitioner herein against the order dated 22.6.2001 rejecting the objections of the petitioner herein in execution proceedings by the Rent Controlling Authority, Raipur. Brief facts leading to filing of this writ petition are that the petitioner herein is the wife of Chatur Dhobi, against whom one Sukhwantin Bai filed an application for eviction before the Rent Controlling Authority for ejectment of Chatur Dhobi from the premises mentioned in the impugned order, that application was allowed against Chatur Dhobi and he was directed to vacate the premises in favour of Sukhwantin Bai. When the execution proceedings were pending before the Rent Controlling Authority, the petitioner herein moved an application raising objections that she is the owner of the disputed property and the same was purchased by her on 8th January, 1998. The said objection was rejected by the Rent	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.420/ **सन्** 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Controlling Authority on the ground that ex-parte decree was passed against Chatur Dhobi, the husband of the petitioner herein, and after service he remained absent, thereafter, execution proceedings were instituted and in the execution proceedings also notices were issued but, Chatur Dhobi, the husband of the petitioner herein, refused to take notices, therefore, it cannot be believed that it was not within the knowledge of the petitioner herein that some proceedings were instituted for eviction against her husband, and the documents are also doubtful. It appears that this application has been filed just to stall the execution. In this case, the petitioner herein has claimed right in the disputed property on the ground of sale deed. Since disputed facts are involved in this case, evidence will be required to prove the title and execution of the sale deed. Moreover, efficacious and alternative remedy is available to the petitioner to file a civil suit. Therefore, in the circumstances, I am of the opinion that it is not a fit case in which the extra-ordinary jurisdiction should be invoked in favour of the petitioner. The writ petition is dismissed at the admission stage itself. Consequently, M.(W.)P.No.390/2005 and I.A.No.958/2005 stand disposed of. Soma	**Sd/-** **L.C. Bhadoo** **Judge**

16.2.05